

15-P

Previous references.

File No. 210-12

1912
(S - R)

Serial Nos. 1-2

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-2

Part B. for July 13

SUBJECT.

Licenses to run military Canteens within
the limits of the State

From the Excise Commr in Mysore. No 7007 of 12.3.13
Requests orders in the circumstances represented whether
the license issued by the Collector of the C.M. Station of
Bangalore to run a military Canteen has any operation
when the Canteen is located outside the limits of the
"Cantonment" is within the limits of the State and whether
Spencer & Co have been rightly charged for an occasional
license

2 To The Excise Commr No 20 384 of 16.7.13.

G. R. S. 58

States that Govt are of opinion that the licensees
of a military Canteen have to observe the necessary
formalities prescribed by the rules, and as such there
appears to be no ground for granting the refund in
question.

Transferred
22.7.13

GENERAL AND REVENUE SECRETARIAT.

(S. R.)

NOTES

File No. 210-12

FILE HEADING.

Licenses to run military canteens within the limits of the State.

From

The Exchequer Committee in Mysore.

No. 7007

Dated 12/3/1913

Received 15/3/13

Diary No. 3578

Enclos. 1 file Spare Copies. —

Serial No. /.

BRIEF ABSTRACT OF LETTER.

Requests orders in the circumstances represented whether the license ~~issued~~ issued by the Collector of the C + M Station of Bangalore ^{to run a military canteen} has any operation when the canteen is located outside the limits of "Cantonment" i.e. within the limits of the State and whether the Spencer Co. have been rightly charged for an occasional license.

NOTES AND ORDERS.

1. The same point was raised by the Office when the 2nd Councillor suggested in a similar case that a separate license ought to ~~be~~ be obtained by the licensee ^{from the Dy Commr of the State} under the Military Canteen Act.

SR File No. 2104 of 1912

Serial
No.

which is in force in the C & M Station / system when the Canteen is opened within the limits of the State. ~~in~~
A draft put up to the Residency in that connection was ordered by the Second Councillor to remain unaltered after an informal discussion with the Asst Secretary on the subject. This file is now before the Dewan, having been ruled on 15/3/1913.

SR 69-12.

SR 188-12

(linked to this)

2. Another file in which a very similar point is raised by the Excise Commr ^{was} also subd to the Dewan on 15/3/1913.

3. May the return of these files be awaited before this case is noted upon by the Office or may this file be submitted independently for orders?
Subd for orders.

h-83 B/M
18/3/13.

Dy Secy

SPN
20/3

4

This cannot be dealt with satisfactorily without the other file. Await for a while.

Dy Secy
20/3

SPN

5 The point raised in the

(3)

Serial
No.

letter of the Excise Commr is the refund of the license fee paid by the Messrs Spencer & Co for the canteen opened within the limits of the State ~~Area~~ in connection with the S. I. R. A. meeting at Hebbal. This point can only be decided on the receipt of the reply from the Residency to the letter, the draft of which is put up in the linked file and the DO of the 7th instant referred to therein.

6 Further action in this case can only be taken on receipt of the reply from the Residency on the general question therein involved. Subd for orders

M-83 Bln
24/6/13

7 The questions raised in this reply are somewhat different from the points dealt with in the other files, though they all raise the ^{general} question of the right of the Dubas to exercise Jurisdiction in their territories over the sale of liquor to the public.

8 Please put up draft in this case

Serial
No.

9 A draft is subd for orders

Dr-
83
27/6/13
M. H. K. 259
SL no 6 in SR. 69-12
linked hereto

10 The Res^y have, in their
D.O. dated 2-7-13, as intimated
the willingness of the M^y Authorities
to the general principle that, whenever
liquor is sold in connection with
the British troops within State
limits, all the necessary formalities
prescribed under the Excise laws
of the State should be observed.
This disposes of the main point
in the present case; because Messrs
Spencer & Co. will have to pay
license fee whenever they open a
canteen within the State limits.

11 The only other point for
consideration is whether the license
granted by the Collector of C&M
Stn authorising them to open a
canteen second place of vend whenever
a portion of the Regiment camps out
will have operation within the
Mysore territories. Obviously the
Collector of the C&M Stn has no
jurisdiction to grant a license

JH File No. 440 of 1912

Serial
No.

for the sale of liquor within the
State limits & the Excise Authorities
of the State cannot therefore accept
any such license in lieu of their
own.

12 Draft in this sense is
accordingly submitted for approval
in other orders.

D.Y. Sect 7)

JH

10/7

2nd cancelled)

JH 11/7

11/7

approved.

JH

1217

JH 11/7

Issue

2

To

JH

14/7

ab+3

The Excise Commissioner in Mysore.
No. 74/384, dated 16th July 1913.
States that Govt. are of opinion
that the licensees of a military
canteen have to observe the necessary
formalities prescribed by the
rules, and as such there appears
to be no ground for granting the
refunds in question.

9m. 2.

OFFICE OF THE EXCISE COMMISSIONER IN MYSORE.

7007
E. 1913

Bangalore, dated 12th March.....1913.

76

II 1913
FROM

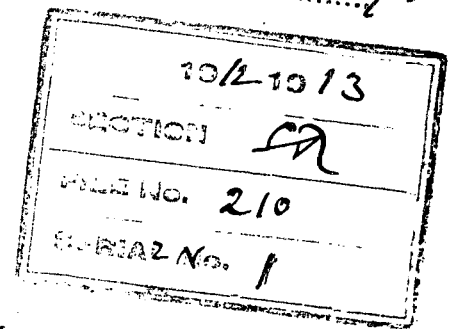
M. Kantaraj Urs, Esq., B.A.,

Excise Commissioner in Mysore.

TO

K.R. Srinivasiengar, Esq., M.A.,

Offg: Secretary to the Government of
His Highness the Maharaja of Mysore,
General and Revenue Departments.



Sir,

I have the honor to state that on the application of Messrs. Spencer and Co., Ltd., Wine Merchants, Bangalore, to run a canteen at Hebbal for the sale of English Beer in connection with the S.I.R.A. meeting, an occasional License was granted by the Deputy Commissioner, Bangalore District under the Foreign Liquor Rules, on receipt of a fee of Rs. 21/- at the rate of a rupee a day. The Firm now represent in their letter dated the 18th September 1912 to the Deputy Commissioner that they paid the said amount under protest and claim its refund on the ground that as the tenants of the Cameron Highlanders and as per agreement entered into with them, they are allowed to establish a second place of vend without taking a separate License in cases where a portion of the Regiment is detached for training and other purposes, that it is their duty to accompany this Regiment wherever it may go either at Field firing or manœuvres and that they paid no license fee during the whole course of their 30 years' experience for running a canteen used exclusively for Military purposes. They further request information as to whether it is necessary for them to obtain a License or Permit in future in similar instances. The Deputy Commissioner, Bangalore District in forwarding a copy of their application solicits instructions as to how their claim for refund of the license fee in question has to be disposed of.

2. From the copy of the License granted to the Firm by the - -

Collector

FROM

Excise Commissioner in Mysore.

To

*Secretary to the Government of
H. H. the Maharaja of Mysore
Gen. and Rev. Depts.*

Dated

Despatched

Received

General No.

Enclosure No.

SUBJECT.

2

enclosed for reference and kind return,
Collector, Civil and Military Station, ~~Corporation is enclosed~~ it is
seen that it not only authorizes them to sell Foreign Spirituous - -
Liquors and Fermented liquors at the Regimental Institute at Cameron
Highlanders but also allows them to establish a second place of vend
without taking a separate license in cases where a portion of the - -
Regiment is detached for training and other purposes.

3. It is not clear whether the License extends to the case when
a detachment of the Regiment is stationed within the limits of the
Mysore State and if it should, I am not aware how far the Collector is
correct in granting a License especially when the sales are made beyond
the limits of the Civil and Military Station.

4. This is the first instance of the kind and there is no - -
definite ruling on the subject. I beg to invite kind reference to the
correspondence ending with Secretary s endorsement No.F1.1440/S.R.134-
07-9 dated 14th September 1908 as also to your letter No.F1.232/S.R.
247-11-2 dated 12th July 1912 according to which the usual formalities
and granting licenses etc., have to be kept up. From a reference to
note 4 under definition 13, published on page 6 of the Madras Excise
Manual, it is observed that in Madras, no license is being granted to
Officers of the commissariat department and to Canteens in British and
Native Regiments.

5. In these circumstances I request that orders may be passed
if the License issued by the Collector, Civil and Military Station for
working a Canteen has any operation outside the limits of the same and
whether Spencer and Co., have not rightly charged for an occasional --
License when the Canteen was located outside the Civil and Military ---
Station limits.

6. The question of refund or otherwise will then be decided on ; - -
receipt of orders.

7. Copy of docket No.431 dated 10th December 1912 from the Deputy

Commissioner

Sub
Reference
put of in the
file noted on
page 2 of the
notes
MS

been?

Commissioner, Bangalore District with that of its enclosure on the subject is enclosed for reference.

I have the honor to be,

Sir,

Your most obedient servant,

M. M. M. M. M.

for Excise Commissioner.

M. M. M.

Enc 1st 82210-12 (4)

Docket No.431 dated 10th December 1912 from the Deputy Commissioner, Bangalore District to the Excise Commissioner in Mysore.

Has the honor to state that Messrs. Spencer and Co., Ltd., having applied for a license to run a canteen at Hebbal for the sale of English Beer to all troops, in connection with the recent S.I.R.A. meeting, their requisition was complied with in communication with the Excise Commissioner, vide correspondence ending with his docket No. 2027 dated 2-9-1912.

A fee of a rupee a day was levied on the license thus issued to the Firm and recovery was accordingly made. But the Firm have since put in an application (copy enclosed) claiming the refund of the license fees paid by them on the following grounds:-

- (1). that they are the tenants of the Cameron Highlanders and under an agreement entered into with them, they are allowed to establish a second place of vend without a separate license in all cases of detachment of a portion of the Regiment or under other circumstances, and
- (2) that they have, never in their 30 years' experience, been called upon to pay for a license for running a canteen used exclusively for Military purposes when they had accompanied the regiment to all the places of their encampment.

The Firm appear to have been granted by the Collector, C and M Station, Bangalore a license for the sale of Foreign Liquors at a Military canteen on a fixed fee of Rs.24/- per annum, so far as the Civil and Military Station is concerned, under which the Firm as tenants of the British Troops can establish without a second license, a second place of vend wherever a portion of the regiment is detached and encamped outside the ordinary limits, and appear to think that such license granted by the Collector covers sales, effected outside the limits of the C and M Station.

From

(5)

From the very terms of the license in question, it should be presumed that no additional fee is recoverable for opening fresh canteen under circumstances of the kind noted above within the limits of the C and M station, but not so outside such limits, for the license - - obtained by the Firm is to be considered to be in force only in the area over which the Collector granting the license is exercising - - jurisdiction.

The Excise rules as now in force in Mysore, are silent about the waiving or otherwise of the right of levying fees on the license - - granted for the sale of liquors to British Troops. Under the Circumstances orders are solicited as to how the claim for refund of the license fees from Messrs. Spencer and Co., has to be disposed of.

- - - - -

" C o p y "

M. M. M. M. M.

for Excise Commissioner.

He,

Enclosure 1 8/24/12 (1)

18th September 1912.

B.J. Kumarswami Naik Esq.,
Deputy Commissioner,
Bangalore District.

Dear Sir,

With reference to the Occasional License granted for the canteen now being run at the S.I.R.A. meeting at Hebbal, we beg to bring the following to your notice.

1. We have paid under protest the sum of Rs.21/- levied by your Excise Inspector Mr. B.V. Bheema Rao.
2. We are the tenants of the Cameron Highlanders and under our - - agreement with them and under the existing Excise Act, we are allowed to establish a second place of vend without taking out a separate - - license in cases where a portion of a regiment is detached for training and other purposes or is left behind.
3. As tenants of the Cameron Highlanders, it is our duty to accompany this Regiment wherever they may go either at Field firing or manoeuvres and we have never during the whole course of our 30 years experience in this station been called upon to pay for a license for running a canteen used exclusively for Military purposes.

Under the circumstances, we shall be glad if you will consider the advisability of cancelling the license issued and refunding us the sum of Rs.21/- paid for the same, and also give us to understand that in future whenever a Military Camp is being run and it is necessary for us as tenants of a British Regiment to run a canteen in connection with the same, it is not necessary for us to take out a license but if - - necessary a Permit may be given.

Apologising for having to trouble you in this matter.

We are, Dear Sir,
Yours faithfully,
(Sd) W. Davis,
Manager, for Spencer &
Co.

" C o p y "


for Excise Commissioner.

2
14.7.13
G. R. S. 26]

Diary No. of letter replied to 3578

General and Revenue Secretariat

(JR)
the 191

Date of issue

16 July 13

Signed by

Dr Rajagopalachari

Paper under disposal.

1
State that all necessary formalities
under the existing laws of the State
have to be observed by the ~~the~~ tenants
of the Military Canteen when
opening a canteen within the
limits of the State.

File No. 210-2

Serial No. 2

No. 7.384

To

Su. 1
16 July 13

The Excise Commr in Mysore.

Sir,

Adverting to your letter

no. 7007 & the 14th March 1913, sub-
mitting for orders a representation
from the Messrs Spencer & Co for
refunding a sum of Rs 21/-
paid by them for a license to
run a beer canteen at Hebbal
in connection with the S. I. R. A. meeting
held in Sept 1912, on the ground that
as the tenants of Cameron
Highlanders they are allowed a
over.

SUBJECT.

2011

second place of vend without ~~being~~ ^{the necessity for}
a separate license in cases where
a portion of the Regiment is detached
for training and soliciting instructions
as to whether a license issued by the
Collector of the CTM Station for working
a canteen has any operation outside
the limits of that station and whether
Messrs Spencer & Co have not justly been
charged for an occasional license in
this instance, I am directed to state
that Govt are of opinion that in
~~such instances~~ the licensees of a
military canteen have to observe
the necessary formalities prescribed
under the ^{excise} rules in force in the State
for opening a canteen & for selling
to the men of the Regiment, or
liquors ~~therein~~ within the limits of
the State. ~~When the Regiment camps~~
~~at~~ At such, there appears to be no
ground for refunding the amount
of referred to above.

Copy of the license
issued by the Collector of

List of enclosures.

Copied by

Examined by

G.R.S. 27]

GENERAL AND REVENUE
SECRETARIAT.

(Continuation sheet draft form.)

we
12/7

the Ctm Station to Messrs Spencer
No is herewith returned as
desired.

I have etc

Draco Spm
11/7

For Secy to Govt.

Dr-
83

27/6/13